

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

4
5 **ORDINANCE No. 2019-003**
6

7 **AN ORDINANCE AMENDING TITLE 15, CRIMINAL OFFENSES, OF THE CITY**
8 **CODE OF ORDINANCES; REGULATING CONVENIENCE STORE LOITERING;**
9 **PRESERVING THE HEALTH AND WELFARE OF THE CITY AND FOR OTHER**
10 **LAWFUL PURPOSES**

11
12 **(Sponsored by Councilmember Jackson)**
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
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17 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
18 Council thereof ("City Council");
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20 **WHEREAS**, the City is empowered by the City Charter Section 3.10 to adopt and
21 provide for the execution of such ordinances, resolutions, rules, and regulations,
22 necessary for the peace, good order, protection of life and property, health, welfare,
23 sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City;
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25 **WHEREAS**, the City desires to prohibit panhandling through this Ordinance; and
26

27 **WHEREAS**, the City finds this Ordinance to be in the best interest of the health,
28 safety and welfare of the City.
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30 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
31 follows:

32 **Section 1.** The City of South Fulton Code of Ordinances, Title 15, Criminal
33 Offenses, is hereby amended by creating a new Section 15-4005, Convenience Stores,
34 which shall read as follows:
35

36 **TITLE 15, CRIMINAL OFFENSES**

37 **CHAPTER 4, LOITERING**

38 ...

39 **Sec. 15-4005. – Convenience stores.**

(a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the following meaning, except where the context clearly indicates a different meaning:

"*Convenience goods*" means basic food, household and/or pharmaceutical items.

"*Convenience store*" means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than ten thousand (10,000) square feet of retail floor space. Convenience store does not include any business where there is no retail floor space accessible to the public.

(b) **Condoning of Loitering Prohibited.** It shall be unlawful for the owner, manager and/or operator of a convenience store to allow any person to loiter on or about the licensed premises, without taking prompt action to cause for such loiterer to be removed from the premises. The unlawful loitering of a person at a convenience store for a period of more than 30 minutes shall constitute prima facie evidence that the owner, manager and/or operator of the establishment is unlawfully condoning such prohibited conduct.

(c) **Prominent Display of Loitering Prohibition.** Convenience stores within the City pursuant to this chapter shall cause for the following language to be prominently displayed, in no less than 48-inch font, in a manner which is visible to the general public on the exterior and interior of the establishment:

Loitering Prohibited:

This establishment is required to prohibit loitering, pursuant to Title 15, Sec. 15-4005, of the South Fulton Code of Ordinances.

(d) **Notice to Convenience Stores Selling Alcohol.** In addition to other penalties and sanctions authorized by state law and the City Code, the violation of this chapter by owners, managers and/or operators of convenience stores shall subject the convenience store to termination, revocation and/or suspension of its license to sell alcoholic beverages.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

77 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
78 clause or phrase of this Ordinance is severable from every other section, paragraph,
79 sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause
80 or phrase of this Ordinance is mutually dependent upon any other section, paragraph,
81 sentence, clause or phrase of this Ordinance.

82 (c) In the event that any phrase, clause, sentence, paragraph or section of this
83 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
84 otherwise unenforceable by the valid judgment or decree of any court of competent
85 jurisdiction, it is the express intent of the City Council that such invalidity,
86 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
87 render invalid, unconstitutional or otherwise unenforceable any of the remaining
88 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

89 **Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby
90 expressly repealed.

91 **Section 4.** The city attorney and city clerk are authorized to make non-substantive
92 editing and renumbering revisions to this Ordinance for proofing, codification, and
93 supplementation purposes. The final version of all Ordinances shall be filed with the
94 clerk.

95 **Section 5.** The effective date of this Ordinance shall be on the date as set forth
96 under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state
97 and/or federal law.

98
99 **Section 6. Instruction to City Clerk and Director of the Department of**
100 **Community and Regulatory Affairs.** Unless vetoed, the City Clerk is hereby directed
101 to forward a copy of this Ordinance to the Director of the Department of Community and
102 Regulatory Affairs, City Solicitor, Police Department and Code Enforcement
103 Department. The Director of the Department of Community and Regulatory Affairs is
104 hereby instructed to cause for this Ordinance to be distributed to all known convenience
105 stores within the City.
106

The foregoing **ORDINANCE No. 2018-003**, adopted on **January 22, 2019** was offered by Councilmember **Jackson**, who moved its approval. The motion was seconded by Councilmember **Willis**, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Baker, Mayor Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Catherine Foster Rowell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carmalitha Lizandra Gumbs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Zenobia Willis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gertrude Naeema Gilyard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosie Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
khalid kamau	<input checked="" type="checkbox"/>	<input type="checkbox"/>

139 THIS ORDINANCE adopted this 22nd day of January 2019. CITY OF SOUTH
140 FULTON, GEORGIA.
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142
143
144

145 "SECOND READING"
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151 _____
152 WILLIAM "BILL" EDWARDS, MAYOR
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158 ATTEST:

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160 
161 _____
162 MARK MASSEY, CITY CLERK
163
164



165 ITEM# Ord 2019-003 DATE 1/22/2019
166
167
168

169 APPROVED AS TO FORM:

170 
171 _____
172 EMILIA C. WALKER, CITY ATTORNEY
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